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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92063349
Party	Plaintiff Accumetric, LLC
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Submission	Motion to Consolidate
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Date	09/30/2016
Attachments	Accumetric vs GlueBoss_Motion to Consolidate - 4846-6591-3401.3.pdf(139988 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

IN THE MATTER OF: Trademark Registration Nos. 4,244,791, 4,221,073; and
Application Serial No 86/780,070.

DATES OF REGISTRATIONS: November 20, 2012 and October 9, 2012

DATE OF PUBLICATION: July 26, 2016

Accumetric, LLC,)	
)	
Petitioner/Opposer,)	Opposition No.: 91229604
)	
v.)	
)	
GlueBoss Adhesive Company LLC,)	Cancellation Nos.: 92064254
)	92063349
Registrant/Applicant.)	
)	

MOTION TO CONSOLIDATE

Petitioner/Opposer Accumetric, LLC (“Accumetric”) respectfully requests the Board consolidate Opposition No. 91229604 and Cancellation Nos. 92064254 and 92063349 pursuant to Fed R. Civ. P 42(a) of the Federal Rules of Civil Procedure and TBMP § 511. Accumetric believes consolidation is proper because the proceedings involve the same or similar questions of law and fact, the same parties, the same or related marks, and contain nearly identical pleadings. Issues have been joined as Registrant/Applicant GlueBoss Adhesive Company LLC (“GlueBoss”) has now filed its Answers in all three proceedings, which makes consolidation timely. Accumetric believes consolidating these matters will save time, effort, and expense and will further promote judicial economy. Finally, GlueBoss, through counsel, stated that it does not oppose consolidation of these proceedings.

These proceedings involve similar marks as the Applied-for Mark and the Registered Marks all impart the same or highly similar commercial impression. As grounds for the Notice of Opposition and the Petitions to Cancel, Accumetric alleged: priority and likelihood of confusion, pursuant to Trademark Act section 2(d); and dilution, pursuant to Trademark Act section 43(c). In response, GlueBoss denied the salient allegations and alleged several affirmative defenses, including that the Applied-for Mark (Opposition No. 91229604) and the Registered Marks (Cancellation Nos. 92064254 and 92063349) are members of a family of marks.

Accordingly, the proceedings present nearly identical pleadings, similar marks, and the same or similar questions of law and fact. Consolidating these proceedings will promote judicial economy and save time, effort, and expense. Accumetric believes these benefits will far outweigh any potential prejudice or inconvenience caused thereby. Moreover, GlueBoss, through its counsel, was made aware of Accumetric's desire to file this Motion to Consolidate and responded by stating that it does not oppose consolidation of these proceedings. Therefore, Accumetric respectfully asks the Board to grant this Motion to Consolidate.

Date: September 30, 2016

Respectfully submitted,



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Attorneys for Accumetric, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Consolidate was served by electronic mail—pursuant to the discovery conference agreement— upon the following on this 30th day of September, 2016:

Terrence J. Linn: linn@glbf.com

Anne Visser: visser@glbf.com



Samantha M. Quimby
Attorney for Accumetric, LLC